

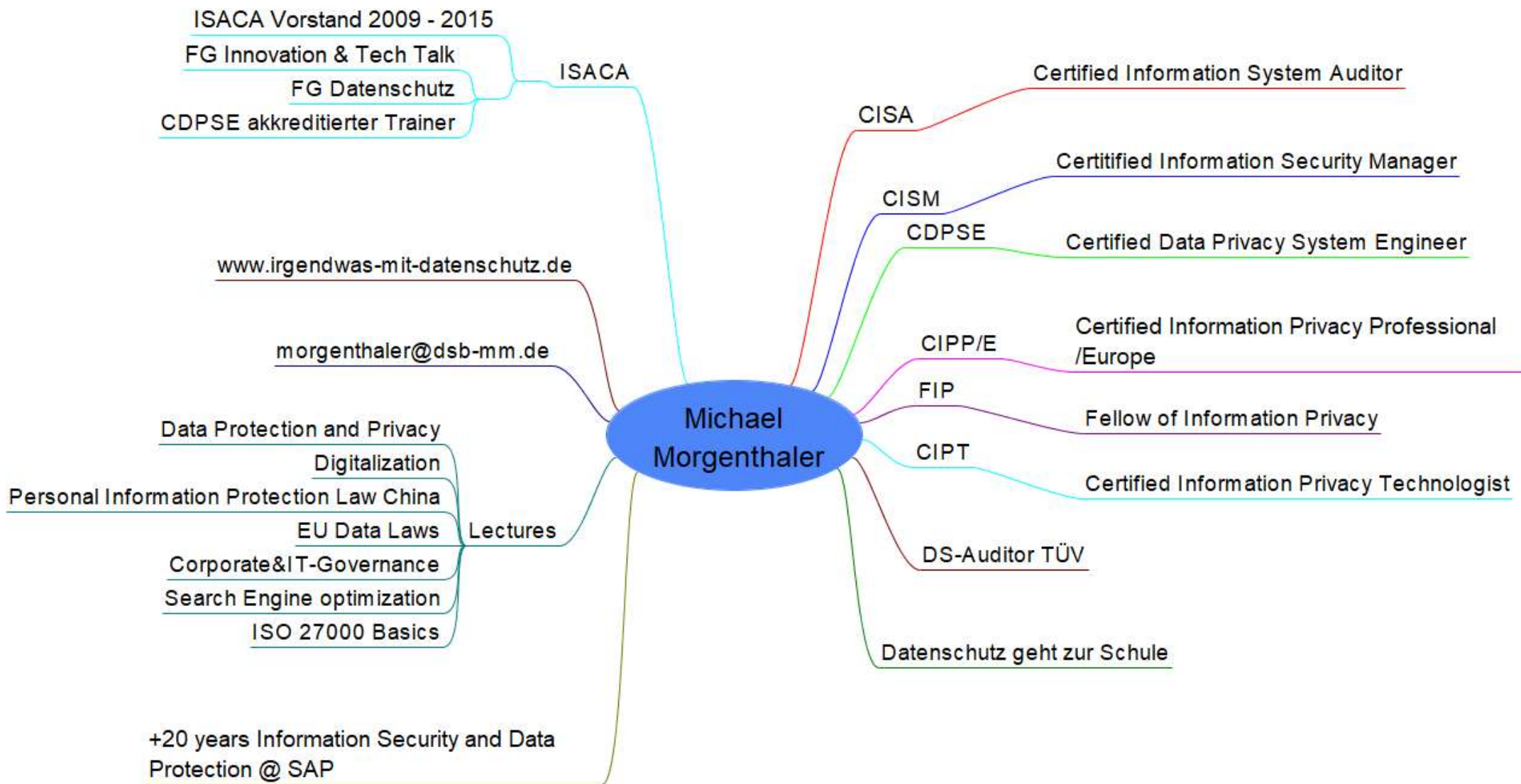


# EU Data Strategy

as of December 2023

Michael Morgenthaler

Bildquelle Pixabay – Gerd Altmann





**Ursula von der  
Leyen**  
**President  
European  
Commission**



**José Manuel Albares**  
**Spain leads HY2/23 the  
Council of the European  
Union**



**Roberta Metsola**  
**President  
European  
Parliament**

# European Legislation

01

# Institutions and Bodies of the EU

## European Commission

- "Government" (Executive)
- Right of action against national governments
- College of Commissioners from 27 EU countries,
  - nominated by member states
  - elected by parliament
- Right of initiative in the legislative process (legislative power)
- Headed by President but principle of collegiality applies
- 5 year term

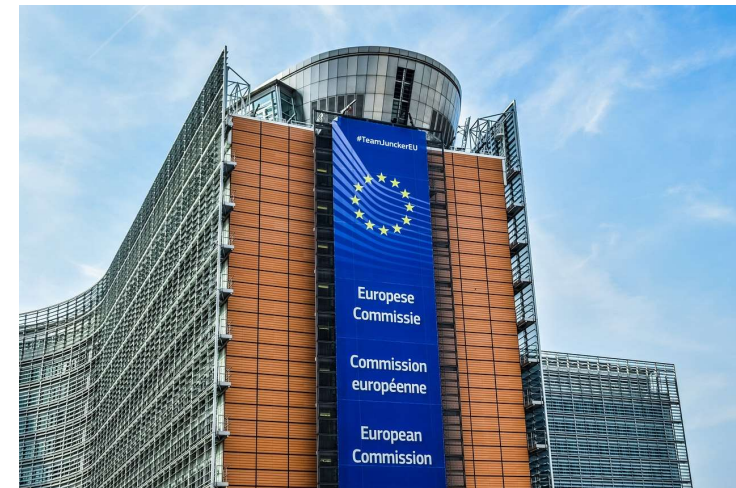


Bild-Quelle: Pixabay dimitrisvetsikas1969

# Institutions and Bodies of the EU – EC Policy Areas

- European Green Deal
- **A Europe Fit for the Digital Age**
- An Economy that Works for People
- A Stronger Europe in the World
- Interinstitutional Relations and Foresight
- Values and Transparency
- Democracy and Demography
- Promoting our European Way of Life
- Neighbourhood and Enlargement
- International Partnerships
- Environment, Oceans and Fisheries
- Financial services, financial stability and Capital Markets Union
- Agriculture
- **Internal Market**
- Cohesion and Reforms
- Health and Food Safety
- **Justice**
- Equality
- Home Affairs
- Crisis Management
- Transport
- Budget and Administration
- Jobs and Social Rights
- Economy
- Energy



Bild-Quelle: Pixabay dimitrisvetsikas1969

# Institutions and Bodies of the EU

## EU-Parliament EU-P

- Official seat in Strasbourg
- Elected every 5 years by the citizens of the EU in general, direct, free, secret elections.
- The only EU body to be elected and the only directly elected supranational institution in the world.
- Currently 705 members in 7 political groups
- Has shared legislative function, but cannot introduce its own bills (restricted right of initiative since 2010)



Bild-Quelle: Pixabay Moritz\_D

# Institutions and Bodies of the EU

## Council of the European Union

Represents governments of the member states

- Also negotiates foreign and security policy
- Legislative body
- Rotating leadership (6 months)
- Not ONE Council, meetings separated by policy area



Bild-Quelle: Pixabay Gordon Johnson

Not to be confused with the **European Council** and **Council of Europe**





# Legislation

## Types of...

- Regulation
- Directive
- Resolutions/Decisions
- Recommendations and opinions



Bild-Quelle: Pixabay Gerd Altmann

# Regulation

- Legal act of general application
- Direct effect in all Member States
- Binding in its entirety
- Cannot be modified by member states
- Addressed to the EU itself, to the member states or to all citizens
- Formerly EC #/YYY now YYYY/#

Examples:

- General Data Protection Regulation 2016/679 (GDPR).
- eIDAS 910/2014



Bild-Quelle: Pixabay Gerd Altmann

# Directive

- Legal act of general application
- Binding as to an objective
- Indirect effect in all member states
- Transposition into national laws necessary within deadline
- Member States have room for go beyond objective
- Formerly JJ/#/EC or EEC 96/46/EC, now EU 2016/943

Examples:

- Data Protection Directive 96/46/EC
- Justice Directive EU 2016/680



Bild-Quelle: Pixabay Gerd Altmann

# Resolutions/Decision

- Legal act valid for addressees (Member States, companies or individuals).
- Binding in its entirety upon addressees

Examples:

- Individual decisions
- Appointments
- Common foreign and security policy
- International agreements



Bild-Quelle: Pixabay Gerd Altmann

# Recommendations and opinions

## Recommendations

- Legally non-binding
- Issued by the Commission, Council or other institutions
  - e.g. for the harmonisation of legislation

## Opinions

- Legally non-binding
- Issued by committees (Committees of the Regions, Economic and Social Committee)



Bild-Quelle: Pixabay Gerd Altmann

# Ordinary legislative procedure

- Article 294 (TFEU) Treaty on the Functioning of the European Union
  - Sole right of initiative:
    - 2. The Commission shall submit ... proposal...
- EU-P discusses proposal, may propose amendments, votes on proposal by simple majority (1st reading)
- Council discusses outcome of EU-P
  - Adopts proposal by qualified majority  
=> adopts legal act
  - Council draws up own proposal  
=> Info to Commission and EU-P  
=> Commission comments  
=> 2nd reading in EU-P



Bild-Quelle: Pixabay Gerd Altmann

# Ordinary legislative procedure

- 2nd reading: EU-P discusses Council proposal and votes within 3 months
  - Rejection by absolute majority  
=> legal act fails
  - Adoption by simple majority  
=> legal act adopted
  - Amendments proposed (by absolute majority)  
=> 2nd reading in Council
- Council of the European Union
  - Agrees to the new EU-P proposal within 3 months by qualified majority  
=> Legislative act adopted.
  - Rejects or there is no decision within 3 months  
=> Conciliation Committee



Bild-Quelle: Pixabay Gerd Altmann

# Ordinary legislative procedure

- Conciliation Committee (Trilogue)
- 54 members, 27 of the EU-P and 27 of the Council, Commission has observer status
- Within 6 weeks
  - Agreement => 3rd reading
  - No agreement => legal act fails
- 3rd reading: EU-P decides with absolute majority, Council decides with qualified majority
  - Both agree => legal act adopted
  - No agreement => legal act failed

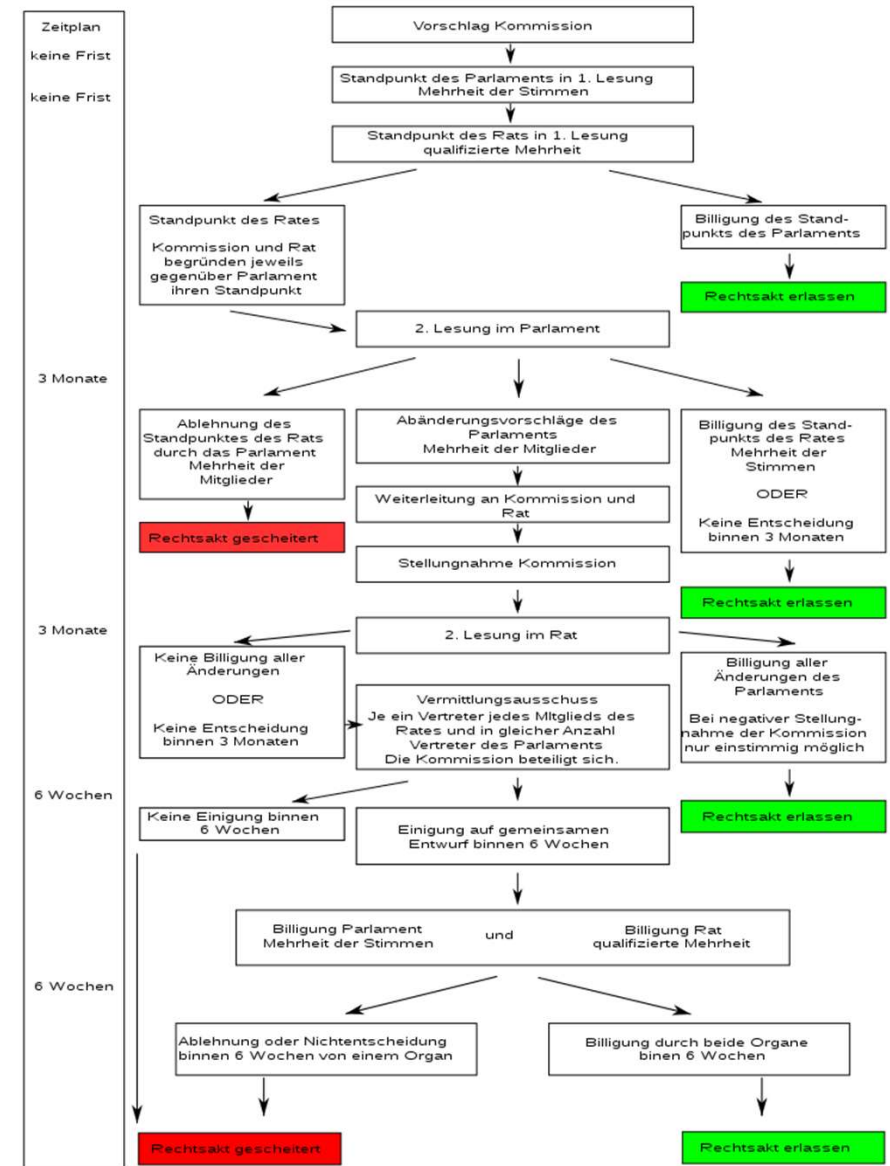


Bild-Quelle: wikipedia



# New laws related to data

# 02

## EU Digital Data Laws

GDPR

ePrivacy

DSA  
Digital Services Act

DA  
Data Act

DGA  
Digital Governance  
Act

DMA  
Digital Markets Act

## Laws related to Data

AI Act

NIS2

DORA

# Data Governance Act (DGA)

- Regulation ...on European Data Governance.
- Framework to increase trust in voluntary data sharing for the benefit of businesses and citizens.
- Use of data across sectors and national borders
- Removing technical barriers and providing secure infrastructure
- Regulatory content:
  - Provision of public sector data
  - Concept of data brokering services
  - Data altruism

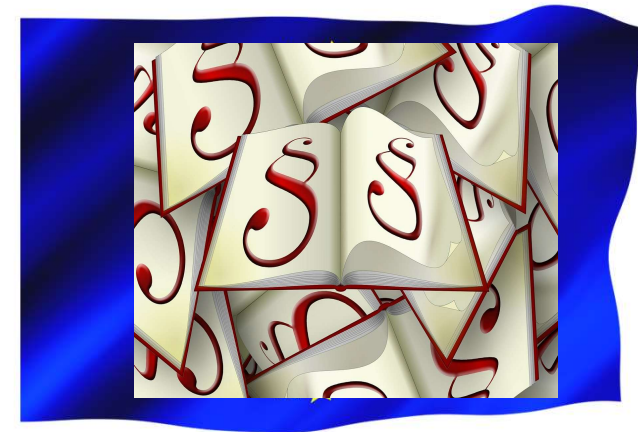


Bild-Quelle: Pixabay Gerd Altmann

In Force: 23.06.2022

Applied: 24.09.2023

# Data Governance Act (DGA)

- GDPR is not affected and prevails
- Handling of personal data still needs a legal basis (Article 6 GDPR)
  - Esp. no leeway for data brokers
- Consent will be the “tool”, but have to be GDPR-compliant as well
- Collection of personal data still for a given purpose
- Data handling outside the scope of the GDPR follows GDPR principles, e.g. transfer to non-EU countries

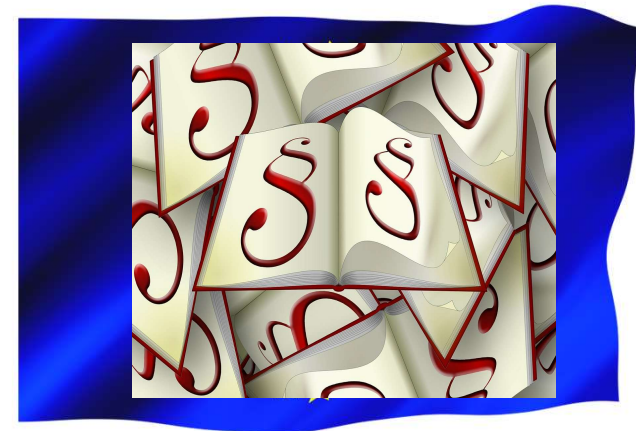


Bild-Quelle: Pixabay Gerd Altmann

## Data Act - European Parliament March 2023

With a large majority of 500 votes to 23, with 110 abstentions, the **European Parliament** on Tuesday (march 14<sup>th</sup> 2023) adopted its position on the EU Commission's draft for a "Data Act".

**According to the draft, every user should have access to all information that he or she has contributed to generating.**

The MEPs want to oblige providers of networked products and related services to make the **corresponding data available to the user in easily accessible form in real time and free of charge.**

This would affect virtual voice assistants and chatbots such as Alexa, Siri, Assistant or Cortana, as well as services on the Internet of Things, including connected cars and wind turbines.

<https://www.heise.de/news/Data-Act-EU-Parlament-stimmt-fuer-Recht-auf-Zugang-zu-Nutzerdaten-7545210.html>

# Data Act

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On the 27 June 2023, a political agreement was reached between the **European Parliament and the Council** of the EU on the Data Act. The Act is now subject to formal approval and once adopted, will enter into force 20 days after Official Journal publication, becoming applicable after 20 months.

This [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_3491](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_3491)  
Assistant or Cortana, as well as services on the Internet of Things, including connected cars and wind turbines.

<https://www.heise.de/news/Data-Act-EU-Parlament-stimmt-fuer-Recht-auf-Zugang-zu-Nutzerdaten-7545210.html>

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# Data Act



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## 2023-11-27: Data Act: Council adopts new law on fair access to and use of data



Today's adoption will be a catalyst for a Europe fit for the digital age. The new law will unlock a huge economic potential and significantly contribute to a European internal market for data. Data trading and the overarching use of data will be boosted, and new market opportunities will open to the benefit of our citizens and businesses across Europe.

— José Luis Escrivá, Spanish minister of digital transformation

[https://www.consilium.europa.eu/en/press/press-releases/2023/11/27/data-act-council-adopts-new-law-on-fair-access-to-and-use-of-data/?\\_hsmi=284538091&\\_hsenc=p2ANqtz-8jliP3MB0eLVmDjm44XeTJtuSqizbX8NgXsONpmZVF1CleAPWyc2LQIFJ0YNqp\\_tZRJqQNYNrqbiy2Uoie0IHlpCLsEk7uFuXn9-W6YnH-FGvvVp8](https://www.consilium.europa.eu/en/press/press-releases/2023/11/27/data-act-council-adopts-new-law-on-fair-access-to-and-use-of-data/?_hsmi=284538091&_hsenc=p2ANqtz-8jliP3MB0eLVmDjm44XeTJtuSqizbX8NgXsONpmZVF1CleAPWyc2LQIFJ0YNqp_tZRJqQNYNrqbiy2Uoie0IHlpCLsEk7uFuXn9-W6YnH-FGvvVp8)

[https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_3491](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_3491)

**The following slides are based on the proposal and the press information about the draft, a legal text (and law) is still missing**

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# Data Act

- Regulation ...on harmonized rules for fair access to and use of data (Data Act).
- Regulation of access to and use of **industrial data**
- For the private sector as well as the public sector
- Criticism from data protectionists
- Regulatory content:
  - Data analysis
  - Data sharing

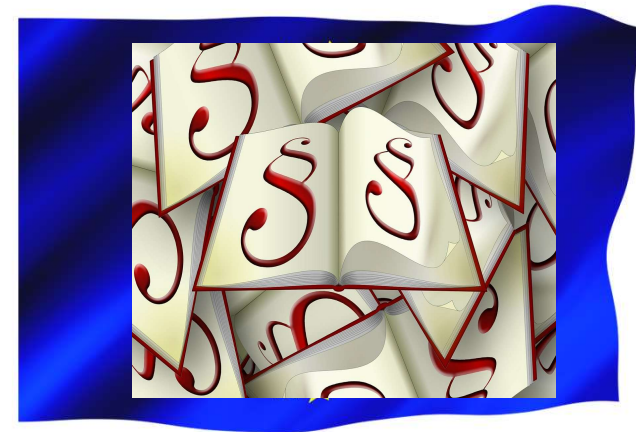


Bild-Quelle: Pixabay Gerd Altmann

Proposal: 23.02.2022

Adopted by council: 27.11.2023

To be applied: appr. Aug 2025



# Data Act – Political Goals

The act will help achieve the broader policy goals of ensuring EU **businesses across all sectors** are in a position **to innovate and compete**, effectively **empowering individuals** with respect to their data, and **better equipping businesses and public sector bodies** with a proportionate and predictable mechanism to tackle major policy and societal challenges, including public emergencies and other exceptional situations.

Businesses will be able to **easily switch their data and other digital assets** between competing providers of cloud and other data processing services. Data sharing within and between sectors of the economy requires an interoperability framework of procedural and legislative measures to enhance trust and improve efficiency.

The **creation of common European data spaces** for strategic sectors of the economy and domains of public interest will contribute to a genuine internal market for data enabling data sharing and use across sectors

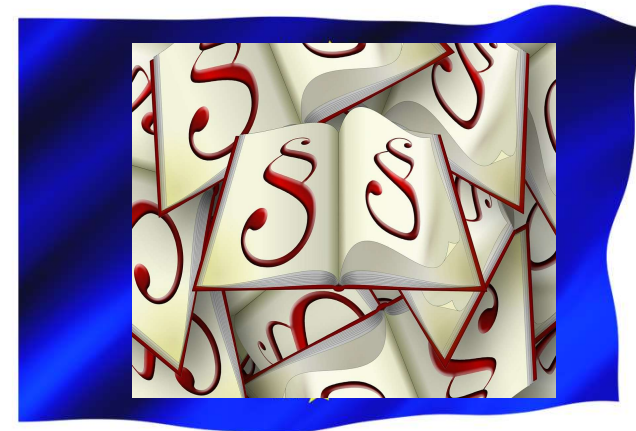


Bild-Quelle: Pixabay Gerd Altmann

# Data Act – Specific Goals

- increase legal certainty
  - for companies and consumers who generate data on who can use what such data and under which conditions
  - will make it easier to transfer data between service providers and will encourage more actors to participate in the data economy
- prevent abuse of contractual imbalances that hinder fair data sharing
  - SMEs will be protected against unfair contractual terms imposed by a party enjoying a significantly stronger market position.
  - The Commission will also develop model contract clauses in order to help such market participants draft and negotiate fair data-sharing contracts.

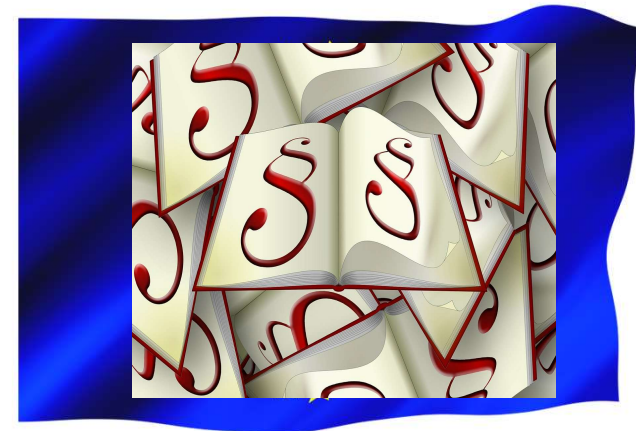


Bild-Quelle: Pixabay Gerd Altmann

# Data Act – Specific Goals II

- Means for public sector bodies to access and use data held by the private sector that is necessary for specific public interest purposes.
  - E.g. develop insights to respond quickly and securely to a public emergency
- rules setting the right framework conditions for customers to effectively switch between different providers of data-processing services to unlock the EU cloud market

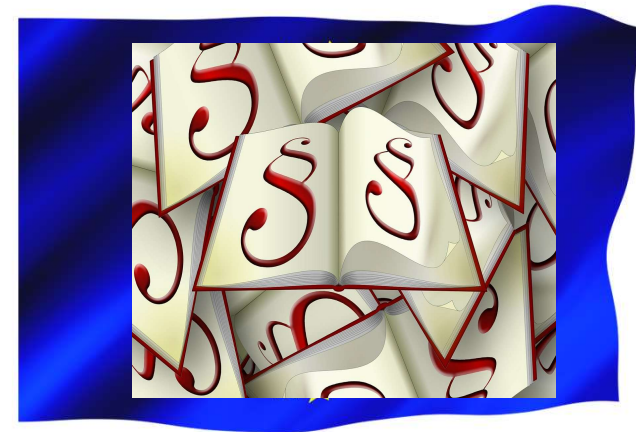


Bild-Quelle: Pixabay Gerd Altmann

# Data Act

- GDPR is not affected ?? Let's see
  - GDPR: data minimization, purpose limitation, storage limitation
  - DA: Data distribution, usage, duplication...
- acc. Data Act:
  - GDPR is not affected, Data Act complies esp. with data minimization
  - 'data' means any digital representation of acts, facts or information and any compilation of such acts, facts or information, including in the form of sound, visual or audio-visual recording; (Art 2 (1) DA)
  - Non-Personal data: all data that is not personal data acc. GDPR
- Detailed examination / processes needed to separate "mixed" data, e.g. IOT-data

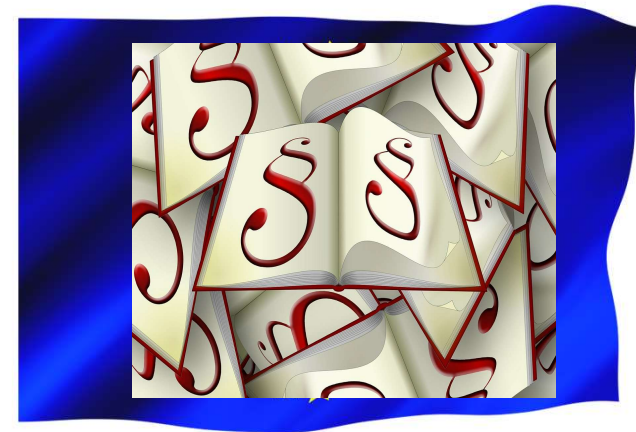


Bild-Quelle: Pixabay Gerd Altmann

# Artificial Intelligence Act (AI-Act)

HOT  
NEWS

● Council of the EU Press release 9 December 2023 01:27

## Artificial intelligence act: Council and Parliament strike a deal on the first rules for AI in the world

Following 3-day 'marathon' talks, the Council presidency and the European Parliament's negotiators have reached a provisional agreement on the proposal on harmonised rules on artificial intelligence (AI), the so-called **artificial intelligence act**. The draft regulation aims to ensure that AI systems placed on the European market and used in the EU are **safe** and respect **fundamental rights** and EU values. This landmark proposal also aims to stimulate investment and innovation on AI in Europe.



This is a historical achievement, and a huge milestone towards the future! Today's agreement effectively addresses a global challenge in a fast-evolving technological environment on a key area for the future of our societies and economies. And in this endeavour, we managed to keep an extremely delicate balance: boosting innovation and uptake of artificial intelligence across Europe whilst fully respecting the fundamental rights of our citizens.

— Carme Artigas, Spanish secretary of state for digitalisation and artificial intelligence

**The following slides are based on the proposal and the press information about the „draft regulation“, a legal text (and law) is still missing**

# Draft Artificial Intelligence (AI-Act) (as known Dec 13th)



- Regulation ...laying down harmonized rules on artificial intelligence (Artificial Intelligence Act)
- Encompasses all sectors except military and to all types of artificial intelligence
- Regulates the providers of artificial intelligence systems and entities making use of them in a professional capacity.
- risk-based approach: AI technologies in categories between no risk and high risk.
- Criticism from business, governments and civil rights activists

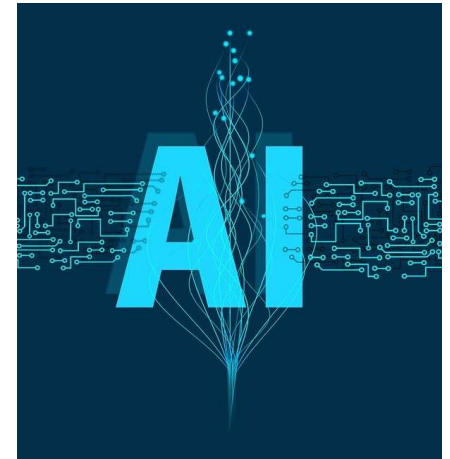


Bild-Quelle: Pixabay Gerd Altmann

Proposal: 21.04.2021

Trilogue Agreement: 09.12.2023

To be applied: 2025/2026

# Draft Artificial Intelligence (AI-Act) (as known Dec 13th)

*Artificial Intelligence definition aligned with most current OECD definition*

**An AI system is a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. Different AI systems vary in their levels of autonomy and adaptiveness after deployment**

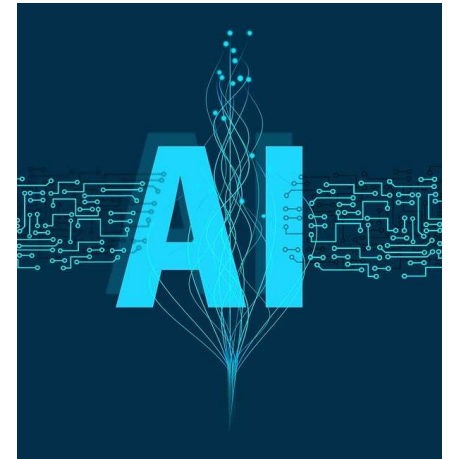


Bild-Quelle: Pixabay Gerd Altmann

# Draft Artificial Intelligence (AI-Act) (as known Dec 13th)

## Banned applications

- biometric categorisation systems that use sensitive characteristics (e.g. political, religious, philosophical beliefs, sexual orientation, race);
- untargeted scraping of facial images from the internet or CCTV footage to create facial recognition databases;
- emotion recognition in the workplace and educational institutions;
- social scoring based on social behaviour or personal characteristics;
- AI systems that manipulate human behaviour to circumvent their free will;
- AI used to exploit the vulnerabilities of people (due to their age, disability, social or economic situation).

## Law enforcement exemptions

use of biometric identification systems (RBI) in publicly accessible spaces for law enforcement purposes under strict rules, e.g. subject to prior judicial authorisation

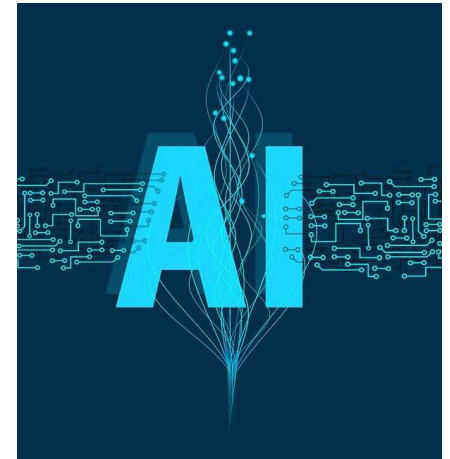


Bild-Quelle: Pixabay Gerd Altmann



# Draft Artificial Intelligence (AI-Act) (as known Dec 13th)

## Other Risk-levels

- AI systems that are not likely to cause serious fundamental rights violations or other significant risks are not captured.
- AI systems presenting only limited risk would be subject to very light transparency obligations, for example disclosing that the content was AI-generated so users can make informed decisions on further use.
- A wide range of high-risk AI systems would be authorised, but subject to a set of requirements and obligations to gain access to the EU market
- New provisions for AI systems that can be used for many different purposes (general purpose AI (GPAI) ), and specific rules have been also agreed for foundation models

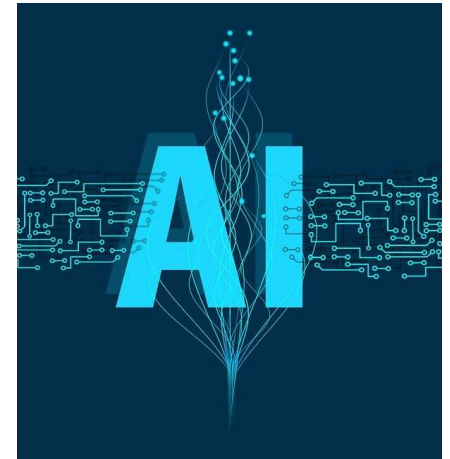


Bild-Quelle: Pixabay Gerd Altmann

# Draft Artificial Intelligence (AI-Act) (as known Dec 13th)

## Governance Structure

- **AI Office** within the Commission
  - tasked to oversee the most advanced AI models, contribute to fostering standards and testing practices, and enforce the common rules in all member states
  - A scientific panel of independent experts will advise the AI Office
- **AI Board** (member states' representatives)
- a coordination platform and an advisory body to the Commission and will give an role to Member States on the implementation of the regulation
- An **advisory forum** for stakeholders, such as industry representatives, SMEs, start-ups, civil society, and academia, will be set up to provide technical expertise to the AI Board

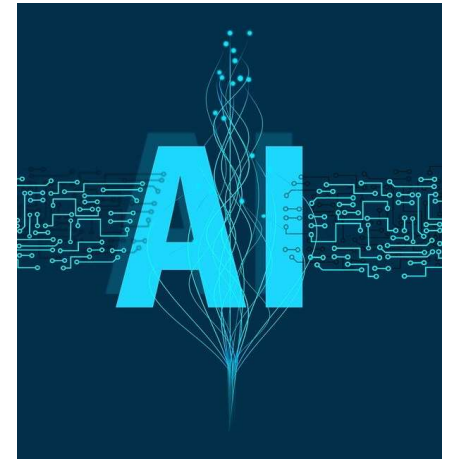


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# Draft Artificial Intelligence (AI-Act) (as known Dec 13th)

## Penalties

- The fines for violations were set as a percentage of the company's global annual turnover in the previous financial year or a predetermined amount, whichever is higher.
- Categories
  - €35 million or 7% for violations of the banned AI applications
  - €15 million or 3% for violations of the AI act's obligations
  - €7,5 million or 1,5% for the supply of incorrect information

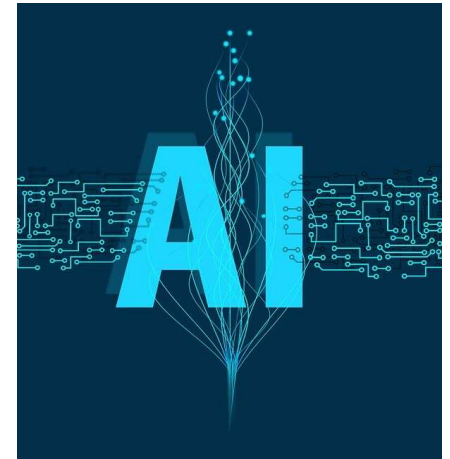


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# Digital Markets Act (DMA)

- Regulation ...on contestable and fair markets in the digital sector
- Digital markets where gatekeepers (i.e. companies that control market access for others due to their market power and network effects) are active are contestable.
- Gatekeepers: digital platforms >7.5 billion euros turnover p.a. or >75 bill. euros market value or > 45 million users / month in EU
- Search Engines, Social network, Video-Sharing-Platform, Messengers, Virtual Assistants, Online-marketing-Services
- Regulatory content:
  - No preference for own content
  - Consent to personalized advertising
  - SW/apps may be uninstalled

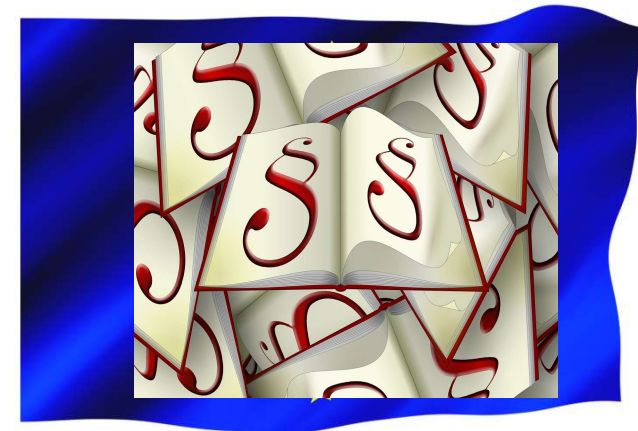


Bild-Quelle: Pixabay Gerd Altmann

In Force: 01.11.2022

To be applied: 01.11.2022 / 02.05.2023 / 25.06.2023

# Digital Markets Act (DMA)

- DMA contains Do and Don't's, Gatekeeper must provide evidence of compliance
- Do not
  - merge personal data from separate services
  - hinder business services user to provide goods/services elsewhere
  - mandate the use of an gatekeeper owned cash management
  - mandate a given browser-engine
  - require users to use other services of gatekeeper as well
  - use analytics results for own purposes
  - give own products better rankings
- DMA allows fines up to 30% global turnover

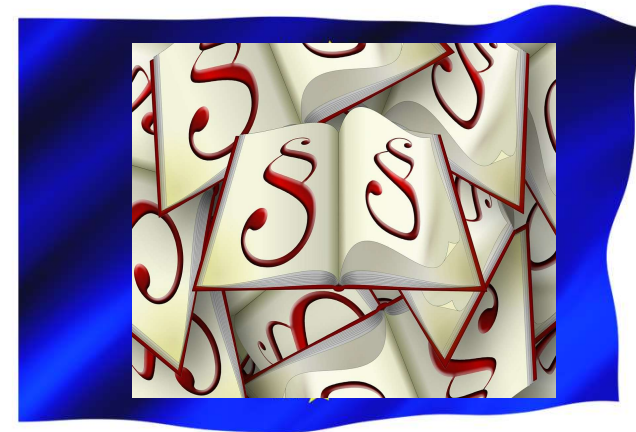


Bild-Quelle: Pixabay Gerd Altmann

# Latest Development

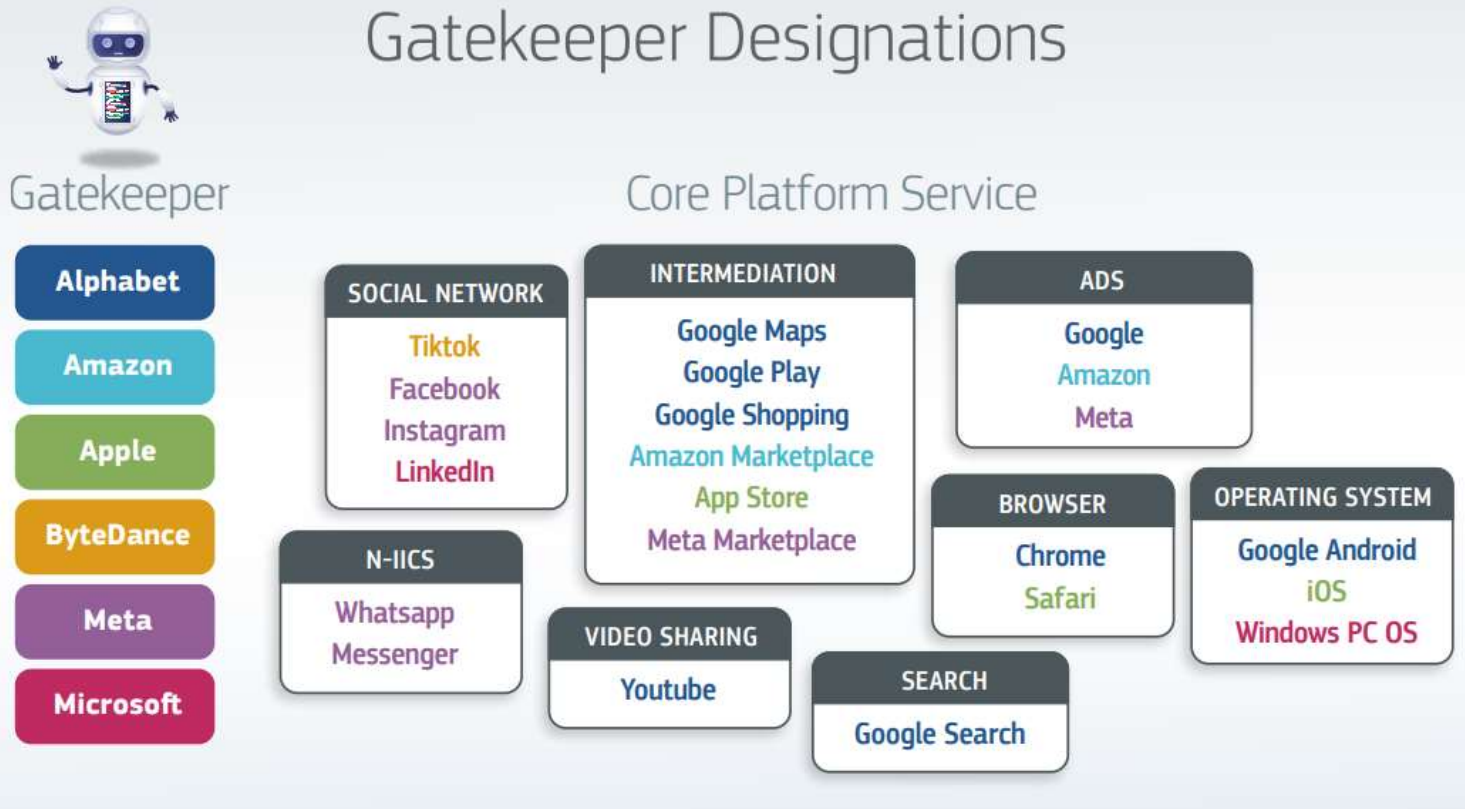


Sept 6<sup>th</sup>

The European Commission has today designated, for the first time, six **gatekeepers** - **Alphabet, Amazon, Apple, ByteDance, Meta, Microsoft** - under the Digital Markets Act (DMA). In total, 22 core platform services provided by gatekeepers have been designated.

4 Market investigations:  
Microsoft: Bing, Edge, Microsoft Ads  
Apple: iMessage  
Apple's iPadOS (under threshold)

## Gatekeeper Designations



Source: [https://ec.europa.eu/commission/presscorner/detail/de/ip\\_23\\_4328](https://ec.europa.eu/commission/presscorner/detail/de/ip_23_4328) (abgerufen am 14.12.2023)

# Latest Development



## Ausweichmanöver

### Warum Apple jetzt den Messenger-Standard RCS implementiert

Die Hölle ist schon wieder zugefroren: Nachdem Apple erst kürzlich einwilligte, iPhones mit USB-C-Buchsen auszustatten, will der Konzern nun seine Messengerplattform für den Mobilfunkstandard RCS öffnen.

Von Dušan Živadinović

Die EU-Mühlen mahlen langsam, aber unaufhaltsam: Erst im September gab Apple bei iPhones nach jahrelangem Widerstand seinen Lightning-Anschluss zugunsten der Standardbuchse USB-C auf und nun kündigt der Konzern an, das iPhone für die Messenger-Norm Rich Communication Standard (RCS) „später im kommenden Jahr“ zu öffnen. Die Nachrichten-App wird dann automatisch auf RCS umschalten, wenn sie einen Empfänger per iMessage nicht erreichen kann. Den RCS-Dienst bieten weltweit rund 100 Netzbetreiber an, wengleich unter verschiedenen Namen (z. B. Advanced Messaging, Joyn, Message+ oder SMS+).

Commission has  
for the first time,  
**Alphabet,**  
**ByteDance, Meta,**  
the Digital  
(. In total, 22 core  
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Source: <https://www.heise.de/select/ct/2023/28/2332012004459467639> (abgerufen am 14.12.2023)



Alphabet

Amazon

Apple

ByteDance

Meta

Microsoft

# Latest Development



- Alphabet
- Amazon
- Apple
- ByteDance
- Meta
- Microsoft

## Annahmehinweise

**Meta, der Tiktok-Mutterkonzern ByteDance und Apple haben im November Einspruch beim Europäischen Gericht (EuG) gegen die Kommissionsentscheidungen eingelegt.**

**Meta sieht seinen Messenger und den Facebook Marketplace nicht als Torwächter. Letzterer sei „ein Dienst für Verbraucher zu Verbraucher“ und falle nicht unter die DMA-Definition eines Onlinevermittlungsdiensts. Der Messenger sei lediglich eine Chatfunktion von Facebook.**

Source: <https://www.heise.de/select/ct/2023/28/2332011083080319354> abgerufen am 14.12.2023

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# Latest Development



- Alphabet
- Amazon
- Apple
- ByteDance
- Meta
- Microsoft

## Änderungen

Um den Vorgaben des Digital Markets Act (DMA) der Europäischen Union Rechnung zu tragen, sollen Nutzer und Nutzerinnen von Windows 10 und 11 in Europa bald den Edge-Browser und die Internetsuche von Bing komplett deinstallieren können. Darüber hinaus soll man künftig auch die Anwendungen Kamera, Cortana und Fotos komplett entfernen können, und zwar nicht nur in Europa. Das hat Microsoft jetzt angekündigt und die Änderungen in einer Vorschau für die Versionen 22H2 (Windows 10) und 23H2 (Windows 11) einsehbar gemacht. Die finalen Updates sollen bis zum 6. März 2024 auf alle Computer mit einem der beiden Betriebssysteme kommen, kündigt der US-Konzern an

Source: <https://www.heise.de/news/DMA-In-Europa-wird-sich-Edge-unter-Windows-bald-komplett-deinstallieren-lassen-9531545.html>

...rund 100 Netzbetreiber an, wengleich unter verschiedenen Namen (z. B. Advanced Messaging, Joyn, Message+ oder SMS+).

...mission has  
for the first time,  
**Alphabet,**  
**ByteDance, Meta,**  
the Digital  
(...). In total, 22 core  
provided by  
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tions:  
lge, Microsoft Ads  
nder threshold)

# Digital Services Act (DSA)

- Regulation ...on a single market for digital services
- Objective of the regulation: safe, predictable and trustworthy online environment, consumer protection, transparency and accountability framework for online platforms.
- Concerns intermediary services, hosting services and online platforms.
- Regulatory content:
  - Different requirements depending on category
  - Specific rules for "very large platforms"

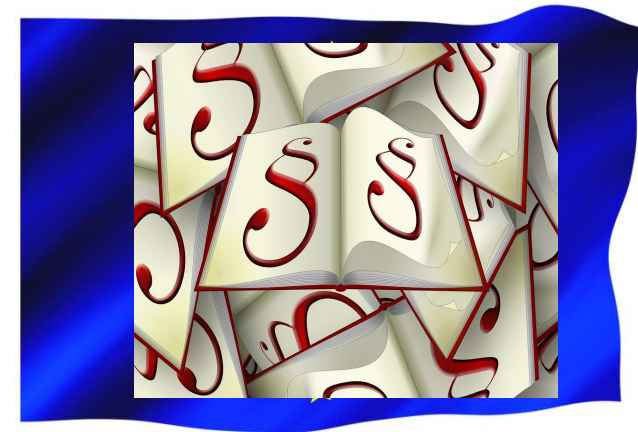


Bild-Quelle: Pixabay Gerd Altmann

In Force: 16.11.2022

To be applied: 17.02.2024

To be applied: 17.02./25.08.2023#

# Providers of online platforms and online search engines

|  | <b>Intermediary services</b>    | <b>Hosting services</b>         | <b>Online platforms</b>         | <b>Very large platforms</b>     |
|--|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| <b>New obligations</b>   | <i>(cumulative obligations)</i> | <i>(cumulative obligations)</i> | <i>(cumulative obligations)</i> | <i>(cumulative obligations)</i> |
| <b>Transparency reporting</b>  | •                               | •                               | •                               | •                               |
| <b>Requirements on terms of service due account of fundamental rights</b>  | •                               | •                               | •                               | •                               |
| <b>Cooperation with national authorities following orders</b>              | •                               | •                               | •                               | •                               |
| <b>Points of contact and, where necessary, legal representative</b>        | •                               | •                               | •                               | •                               |
| <b>Notice and action and obligation to provide information to users</b>    |                                 | •                               | •                               | •                               |
| <b>Reporting criminal offences</b>   |                                 | •                               | •                               | •                               |
| <b>Complaint and redress mechanism and out of court dispute settlement</b> |                                 |                                 | •                               | •                               |

|   | Intermediary services           | Hosting services                | Online platforms                | Very large platforms            |
|---|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| New obligations   | <i>(cumulative obligations)</i> | <i>(cumulative obligations)</i> | <i>(cumulative obligations)</i> | <i>(cumulative obligations)</i> |
| Trusted flaggers  |                                 |                                 | •                               | •                               |
| Measures against abusive notices and counter-notices  |                                 |                                 | •                               | •                               |
| Special obligations for marketplaces, e.g. vetting credentials of third party suppliers ("KYBC"), compliance by design, random checks |                                 |                                 | •                               | •                               |
| Bans on targeted adverts to children and those based on special characteristics of users  |                                 |                                 | •                               | •                               |
| Transparency of recommender systems   |                                 |                                 | •                               | •                               |
| User-facing transparency of online advertising  |                                 |                                 | •                               | •                               |

|   | Intermediary services           | Hosting services                | Online platforms                | Very large platforms            |
|---|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| New obligations   | <i>(cumulative obligations)</i> | <i>(cumulative obligations)</i> | <i>(cumulative obligations)</i> | <i>(cumulative obligations)</i> |
| Risk management obligations and crisis response   |                                 |                                 |                                 | •                               |
| External & independent auditing, internal compliance function and public accountability |                                 |                                 |                                 | •                               |
| User choice not to have recommendations based on profiling                              |                                 |                                 |                                 | •                               |
| Data sharing with authorities and researchers   |                                 |                                 |                                 | •                               |
| Codes of conduct  |                                 |                                 |                                 | •                               |
| Crisis response cooperation   |                                 |                                 |                                 | •                               |

# Digital Services Act (DSA)

- Commission Decision April 23th, 2023
- Very Large Online Platforms (VLOP) are:

|                    |                 |                |
|--------------------|-----------------|----------------|
| Alibaba AliExpress | Amazon Store    | Apple AppStore |
| Booking.com        | Facebook        | Google Play    |
| Google Maps        | Google Shopping | TikTok         |
| Instagram          | LinkedIn        | Pinterest      |
| Snapchat           | Twitter         | Wikipedia      |
| YouTube            | Zalando         |                |



- Very Large Online Search Engines (VLOPSE)

|      |               |
|------|---------------|
| Bing | Google Search |
|------|---------------|

# Measures for a high common level of cybersecurity across the Union (NIS2)

- Directive ... on measures for a high common level of cybersecurity across the Union (NIS2 = Network and Information Security 2)
- Directive (EU) 2022/2555
- Framework for Critical Infrastructure Operators
- As a consequence, the German IT Security Act will be amended.
- New regulations regarding the group of addressees (sectors/size)

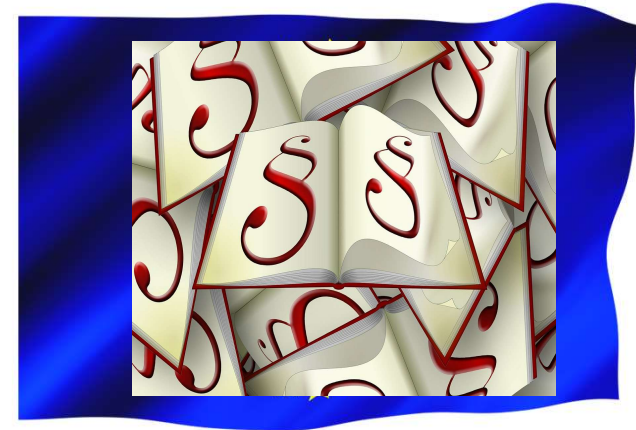


Bild-Quelle: Pixabay Gerd Altmann

In Force: 17.01.2023

To be applied: 18.10.2024

# Digital Operational Resilience Act (DORA)

- Regulation ...digital operational resilience in the financial sector
- IT security, cyber risks and in BCM
- Regulatory content:
  - ICT risk management
  - Classification of ICT threats and cyber threats
  - Reporting obligations
  - ICT third party risk management

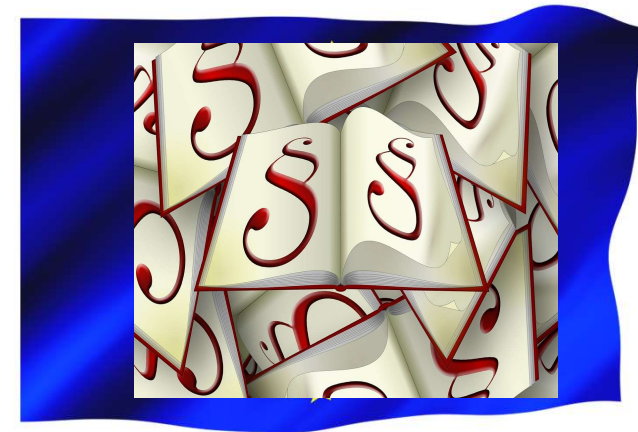


Bild-Quelle: Pixabay Gerd Altmann

In Force: 16.01.2023

To be applied: 17.01.2025



# ePrivacy Act

- Regulation on electronic communication
- Should replace the ePrivacy Directive of 2002 as early as 2018
- Failed several times
- Regulates (presumably)
  - the handling of cookies
  - Data security for electronic communication services
  - Forms of unsolicited communication (telemarketing)

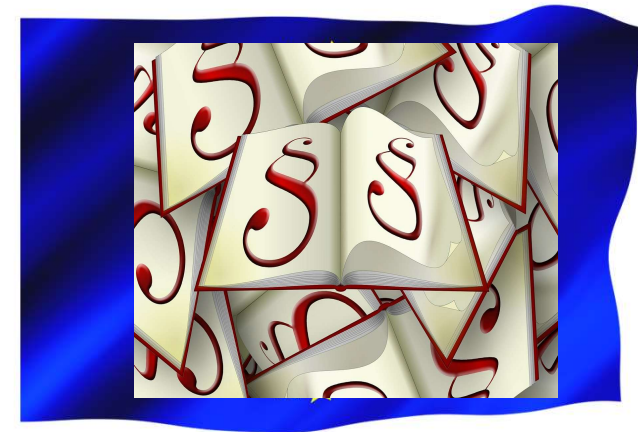


Bild-Quelle: Pixabay Gerd Altmann

In Force: --.--.-----

To be applied: --.--.-----

Digital Services Act – FAQ der europ. Kommission

[https://ec.europa.eu/commission/presscorner/detail/de/QANDA\\_20\\_2348](https://ec.europa.eu/commission/presscorner/detail/de/QANDA_20_2348)

AI-Watch der Kommission (prüft Standards für AI im Vgl. zum AI-ACT-Vorschlag)

[https://ai-watch.ec.europa.eu/topics/ai-standards\\_en](https://ai-watch.ec.europa.eu/topics/ai-standards_en)

Data Act:

Pressemitteilung <https://www.consilium.europa.eu/en/press/press-releases/2023/11/27/data-act-council-adopts-new-law-on-fair-access-to-and-use-of-data/>

<https://bmdv.bund.de/DE/Themen/Digitales/Digitale-Gesellschaft/EU-Data-Act/eu-data-act.html>